

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	Case No. 3:23-po-84
	:	
Plaintiff,	:	
	:	
vs.	:	Magistrate Judge Peter B. Silvain, Jr.
	:	
ANDREW CROOKS,	:	
	:	
Defendant.	:	
	:	

ORDER

This matter is before the Court upon Defendant's Motion for Travel Expenses pursuant to 18 U.S.C. § 4285. (Doc. #58). Defendant requests this Court order the United States Marshal Service to furnish noncustodial transportation or the fare of such transportation (bus fare) from his place of residence in Brooklyn, New York to Dayton, Ohio for his trial which is currently scheduled to begin August 13, 2024 at 9:30 a.m. *Id.* Defendant also asks that the United States Marshal Service pay for travel expenses he incurs during his travel to Dayton, Ohio. *Id.*

Under 18 U.S.C. § 4285,

Any judge or magistrate judge of the United States ... may, when the interests of justice would be served thereby and the United States judge or magistrate judge is satisfied, after appropriate inquiry, that the defendant is financially unable to provide the necessary transportation to appear before the required court on his own, direct the United States marshal to arrange for that person's means of noncustodial transportation or furnish the fare for such transportation to the place where his appearance is required, and in addition may direct the United States marshal to furnish that person with an amount of money for subsistence expenses to his destination, not to exceed the amount authorized as a per diem allowance for travel under section 5702(a) of title 5, United States Code. When so ordered, such expenses shall be paid by the marshal out of funds authorized by the Attorney General for such expenses.

In this case, this Court adjudicated Defendant indigent and appointed counsel to represent him on October 18, 2023. *See* Doc. #5. Further, Defendant indicates that he is unemployed and lacks the resources to pay for transportation and related expenses. (Doc. #58, *PageID* #299). The Court finds that the interests of justice would be served by directing the United States Marshal Service to arrange for noncustodial transportation from Brooklyn, New York to Dayton, Ohio or furnish the (bus) fare for such transportation.

Accordingly, Defendant's Motion for Travel Expenses pursuant to 18 U.S.C. § 4285 (Doc. #58) is **GRANTED**. The United States Marshal Service shall arrange for Defendant's noncustodial transportation from Brooklyn, New York to Dayton, Ohio or furnish the (bus) fare for such transportation in order for Defendant to attend the August 13, 2024 jury trial. In addition, the United States Marshal Service shall also provide subsistence expenses for meals during the transportation not to exceed the authorized per diem rate provided for in 5 U.S.C. § 5702(a).

IT IS SO ORDERED.

July 12, 2024

s/Peter B. Silvain, Jr.

Peter B. Silvain, Jr.
United States Magistrate Judge